

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,
v.
CHIRADEEP GUPTA (D-14),
Defendant-Petitioner.

Criminal Case No. 10-20014-14
Civil Case No. 15-12475
HON. DENISE PAGE HOOD

ORDER REGARDING EVIDENTIARY HEARING

This matter is before the Court on a Motion to Vacate and Set Aside Judgment filed by Defendant-Petitioner Chiradeep Gupta. A hearing date in this matter has been set for April 17, 2017, 2:00 p.m. The one factual issue that requires an evidentiary hearing is whether counsel was ineffective as to whether counsel advised Gupta that if Gupta did not accept the plea offered by the Government, a Third Superseding Indictment or further charges would be filed against Gupta. The remaining issues raised by Gupta do not require an evidentiary hearing and will be decided on the briefs submitted by the parties. The Court notes that a petitioner bears the burden of showing that trial counsel's performance was deficient and that the deficient performance prejudiced petitioner. *McPhearson v. U.S.*, 675 F.3d 553, 559 (6th Cir. 2012).

Accordingly,

IT IS ORDERED that the parties submit by **March 27, 2017** a joint witness list and approximate time required for the testimony of each witness.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: March 8, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 8, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager